

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Plaintiff,

- against -

NEW YORK CITY, ET AL.,

Defendants.

24-CV-9743 (JPC) (RWL)

## ORDER

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On April 9, 2025, Plaintiff filed a motion purporting to be for reconsideration and to alter or amend a judgment pursuant to Fed. R. Civ. P. 59(e) and 60(b). (Dkt. 71.) The motion does not identify the order or judgment (none has been issued in this case) for which Plaintiff seeks reconsideration, and the subject matter discussed in his motion is the same that underlies the substance of his lawsuit and many prior lawsuits against judges of this Court, the American Federation of Teachers, the United Federation of Teachers, its president Randi Weingarten, and others – all of which have been dismissed for failure to state a claim, being vexatious, non-compliance with court orders, or other reasons. Moreover, under this District's Local Rules, a motion for reconsideration must be filed within fourteen days of the order or judgment for which reconsideration is sought. S.D.N.Y. Local Rule 6.3. The last order issued by the Court in this case was on March 6, 2025, 27 days before Plaintiff filed the instant motion. Thus, there is no order for which Plaintiff's motion for reconsideration is timely. Accordingly, the motion for reconsideration is DENIED.

Also on April 9, 2025, Plaintiff filed a document styled as a "Motion to Certify Constitutional Question and for Intervention Under 28 U.S.C. § 2403." Section 2403 provides that "in any action, suit or proceeding in a court of the United States to which the United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality." 28 U.S.C. § 2403(a). While Plaintiff takes issue with whether his constitutional rights have been violated in previous proceedings and in this proceeding, his claims do not question the constitutionality of any Act of Congress, let alone one affecting the public interest. Plaintiff also asserts 29 U.S.C. § 2601 as an "additional statutory basis" for the motion. That statute is the Family and Medical Leave Act and provides no basis for certifying a question to the Attorney General or intervention by the United States. Accordingly, the motion is DENIED.

The Clerk of Court is respectfully directed to terminate the motions at Dkt. 71 and 73.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 14, 2025  
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.